

Travelling rugs.

Underfelts and felt base.

Upholstering materials, including—

- (a) flock;
- (b) fibre;
- (c) webbing;
- (d) springs;
- (e) hessian;
- (f) piping; and
- (g) cord.

7. *Household Equipment and Appliances—*

Clothes horses.

Clothes wringers.

Cooking and kitchen utensils.

Ice chests and ice boxes, domestic.

Sewing machines, domestic.

Smoothing irons, domestic.

Stoves and stovettes, domestic.

Washing machines, domestic.

Wash troughs and coppers.

8. *Timber—*

Fruit case shooks.

Palings.

Plywood, bondwood, and corestock.

Timber, including logs, poles, and piles, sawn or unsawn, seasoned or unseasoned, dressed or undressed, milled or unmilled.

PART II.—SERVICES.

1. Repairing of boots and shoes.
2. Catering.
3. Laundering.
4. Hairdressing.
5. Services in respect of beekeeping.

STATE EMPLOYEES (LONG-SERVICE LEAVE).

No. 91 of 1952.

AN ACT to amend the *State Employees (Long-Service Leave) Act 1950*. [19 December, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *State Employees (Long-Service Leave) Act 1952*. Short title and citation.

(2) The *State Employees (Long-Service Leave) Act 1950* is in this Act referred to as the Principal Act.

Interpreta-
tion.

2 Section two of the Principal Act is amended—

- (a) by inserting before the definition of “eligible employee” the following definition:—

“‘age for retirement’ means—

(a) the age prescribed by or under the Act under or for the purposes of which an employee is employed as the age at which employees who are employed under or for the purposes of that Act shall retire from their employment; or

(b) if no age is so prescribed, the age of sixty-five years, in the case of a male, or sixty years, in the case of a female;” and

- (b) by omitting the definition of “prescribed authority” and substituting therefor the following definition:—

“‘prescribed authority’ means—

(a) in the case of an employee (not being an employee to whom the *Public Service Act 1923* applies) who is the holder of an office by virtue of which he is a prescribed authority within the meaning of this Act, the Governor;

(b) in the case of an employee who is employed under the authority of an Act that is specified in the first column of the first schedule, the person holding the office that is specified opposite that Act in the second column thereof; and

(c) in any other case, such person as may be prescribed;”.

Long service
leave.

3 Section four of the Principal Act is amended—

- (a) by omitting from subsection (2) the words “subsection (3) of this section and subsection (3) of section nine”, and substituting therefor the words “subsections (2A) and (3) of this section and subsection (7) of section five;”;

- (b) by inserting after subsection (2) the following subsections:—

“(2A) Notwithstanding anything contained elsewhere in this Act, any leave of absence which, but for this subsection, could have been granted to an eligible employee, shall be reduced by the appropriate number of days calculated in accordance with the formula set forth in the second schedule.

(2B) For the purposes of subsection (2A) of this section, where the number of days calculated in accordance with the formula set forth in the second schedule leaves a fraction remaining and—

- (a) the fraction so remaining is one-half, or less than one-half, of a day, the fraction so remaining shall be ignored; or
- (b) the fraction so remaining exceeds one-half of a day, the number of days so calculated (less the fraction so remaining) shall be increased by one.”; and
- (c) by omitting subsection (4) and substituting therefor the following subsection:—

“(4) Leave of absence under this Act shall be granted by the prescribed authority.”.

4 Section five of the Principal Act is amended by adding at the end thereof the following subsections:—

Length of service: How computed.

“(6) Where, before the commencement of this subsection, an employee enlisted, or was called up for service, in any of His Majesty’s naval, military, or air forces but was not granted leave of absence, either with or without pay, for the purpose of service in those forces, that employee’s continuity of service shall not be considered as having been broken by reason only of his having been absent without leave for the purpose of service in any of those forces.

(7) Notwithstanding anything contained elsewhere in this Act, service by an employee after he attains the age for retirement shall not be included for the purpose of computing his length of service for the purposes of this Act.”.

5 Section six of the Principal Act is amended by omitting paragraph (c) of subsection (1) and substituting therefor the following paragraph:—

Provisions applicable to employees transferred from other States, &c.

“(c) would have been entitled to, or eligible for, the grant of furlough or pay in lieu of furlough (including pay to his dependants on his death) after a period of continuous service prescribed by or under a law of the Commonwealth or of that State, if he had continued to serve in the other office for that period of continuous service.”.

6 Section seven of the Principal Act is amended—

- (a) by omitting from paragraph (b) of subsection (1) the word “retires” and substituting therefor the words “is permitted or required to retire”;

Allowances to eligible employees in certain cases.

- (b) by inserting after sub-paragraph (iii) of paragraph (c) of that subsection the following paragraphs:—

“; or
“(d) retires from his employment by reason of the expiration of the term of office for which he was appointed or of the period for which his employment was authorised; or

(e) having completed at least twenty-five years continuous service as an employee and being entitled to at least one hundred and eighty days' leave of absence under this Act for which he has applied and which has not been granted so as to commence within twelve months after the date of his application, resigns from his employment.”.

- (c) by omitting subsection (2); and

- (d) by inserting after subsection (5) the following subsection:—

“(5A) Notwithstanding anything contained in subsection (5) of this section no eligible employee qualified under paragraph (e) of subsection (1) of this section shall be entitled to an allowance in respect of a period exceeding one hundred and eighty days.”.

Right of
employee to
elect to retire
in certain
cases.

7 Section eight of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “, and shall, if the prescribed authority so directs him in writing,”;

- (b) by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) An employee who intends to exercise the right of election conferred on him by this section shall give to the prescribed authority not less than six months' notice of his intention so to do.

(3) Unless the Governor, on the recommendation of the prescribed authority, otherwise approves, an eligible employee who has not taken all the leave of absence to which he is entitled under this Act and who does not exercise the right of election conferred on him by subsection (1) of this section shall apply for, and the prescribed authority shall grant to him, leave of absence under this Act to commence on a date that will permit of that period of leave of absence expiring on the date on which the employee will attain the age for retirement.

(3A) If an eligible employee to whom subsection (3) of this section applies fails to comply

with the provisions of that subsection he shall, by virtue of this subsection, be deemed to have forfeited all his rights and privileges under this Act.

(3B) Where an eligible employee—

- (a) exercises the right of election conferred on him by subsection (1) of this section; or
- (b) is granted leave of absence under subsection (3) of this section,

that employee shall, notwithstanding any other law to the contrary, be deemed to have retired from his employment, and his office or position shall be deemed to have become vacant—

- (c) in the case mentioned in paragraph (a) of this subsection, on the date on which his leave of absence, if granted to him, would have commenced; or
- (d) in the case mentioned in paragraph (b) of this subsection, on the date on which the period of leave of absence granted to him under subsection (3) of this section commenced.”; and
- (c) by omitting from subsection (4) the numerals “(2)” and “(3)”, respectively, and substituting therefor respectively the numerals “(3)” and “(4)”.

8 Section nine of the Principal Act is amended—

- (a) by omitting from subsection (2) the words “, subject to subsection (3) of this section,”; and
- (b) by omitting subsection (3).

Preservation
of other
rights of
employees.

9 After section eleven of the Principal Act the following section is inserted:—

Refunds of
salary to be
made by
employees in
certain cases.

“11A.—(1) If, without the express permission of the Governor given on the recommendation of the prescribed authority, an employee who has been granted leave of absence for any period under this Act, at any time within twelve months after the date on which that period of leave of absence is completed, ceases (otherwise than by reason of his death or his retirement in any of the circumstances mentioned in paragraphs (a) to (d) of subsection (1) of section seven) to be an employee within the meaning of this Act, he shall be liable to refund to the prescribed authority, within such time as the prescribed authority may allow in that behalf, the amount of the salary paid to him in respect of that period of leave of absence.

(2) An amount that is required to be refunded pursuant to subsection (1) of this section may be recovered by the prescribed authority by action in any court of competent jurisdiction.”.

Schedules.

10 The Principal Act is amended—

- (a) by inserting in the heading to the schedule thereto, after the word “The”, the word “First”; and
- (b) by adding at the end thereof the following schedule:—

“THE SECOND SCHEDULE.

(Section 4.)

Formula for calculating the number of days by which a period of long-service leave of absence is to be reduced for purposes of subsection (2A) of section 4.

For the purposes of subsection (2A) of section 4, the number of days by which a period of long-service leave of absence is to be reduced shall be calculated in accordance with the following formula:—

$$N = \frac{R \times L}{365}$$

For the purposes of this schedule—

N = the number of days by which the period of long-service leave of absence is to be reduced;

R = the number of days recreation leave to which the employee is entitled in any one year pursuant to the Act under or for the purposes of which he is employed or to an industrial award;

L = the period of long-service leave of absence for which application is made by the employee.”.

Transitory provisions.

11 Where, before the commencement of this section, an employee has been directed, pursuant to subsection (5) of section four, to commence a period of leave of absence and that period of leave of absence will expire on or after the date on which that employee attained, or will attain, the age for retirement, that employee shall, notwithstanding any other law to the contrary, be deemed to have retired from his employment, and his office or position shall be deemed to have become vacant, on the date on which that period of leave of absence commenced.